AEROPLANE TO SEEK JEWELL, LOST AVIATOR

Janus Will Soar Over Isles of Jamaica Bay to See if He Fell on One of Them.

SEARCH THUS FAR FUTILE

Boats Scour Sea and Autos the Land in Vain—Wireless Brings No Answer.

The whereabouts of Albert J. Jewell, the young aviator who was swept from his course Monday while attempting to pilot an aeroplane from Hempstead, Long Island, to the aviation grounds at Oakwood, Staten Island, remained unsolved yesterday. Although his friends and the officers both of the Aeronautical Society and of the Moisant company kept up the search throughout the day, by motor boats sent to cruise off the shore of Long Island and by automobiles among the marshes, they admitted that they practically despaired of finding him.

The only hope seemed to be that he had fallen on an island in Jamaica Bay. To answer this, Anthony Janus, who competed in the aerial derby on Monday, will fly over the bay to-day with J. R. Hall, of the Moisant Company, who will examine the islands for wreckage or signs of the lost aviator.

Their chief cause for giving up hope was the absolute silence in which he has been swallowed. They argued that had he landed anywhere he would have been heard of before now. On the other hand, had he been swept out to sea and picked up by a vessel, they argued that wireless messages would have brought some tidings.

There remained the bare possibility that he had been picked up by some vessel not equipped with wireless, but no great hope was fixed to this. The only solution seemed to be that he had been swept out to sea and had fallen into the ocean, either through the stopping of his engine or the exhaustion of his fuel. In either event, the aeroplane would have quickly sunk, while Jewell could not have lasted long, as he was unable to swim and was prepared for the water with only an automobile inner tube about his body. This could not have helped him if he should get entangled in the sinking aeroplane.

The last persons who are thought to have sighted Jewel after he left Hempstead were Joseph P. Doyle, a painter, living in Nostrand avenue, and Edward J. Dollard, a real estate dealer, of Mott avenue, Far Rockaway. They saw what was thought to have been Jewell's machine about eighteen hundred feet in the air, going at a great rate of speed, apparently from Belmont Park. When they first saw it it was heading toward Edgemere, but was swept out toward the sea by the wind, and soon disappeared from view. This was about 8 o'clock in the morning.

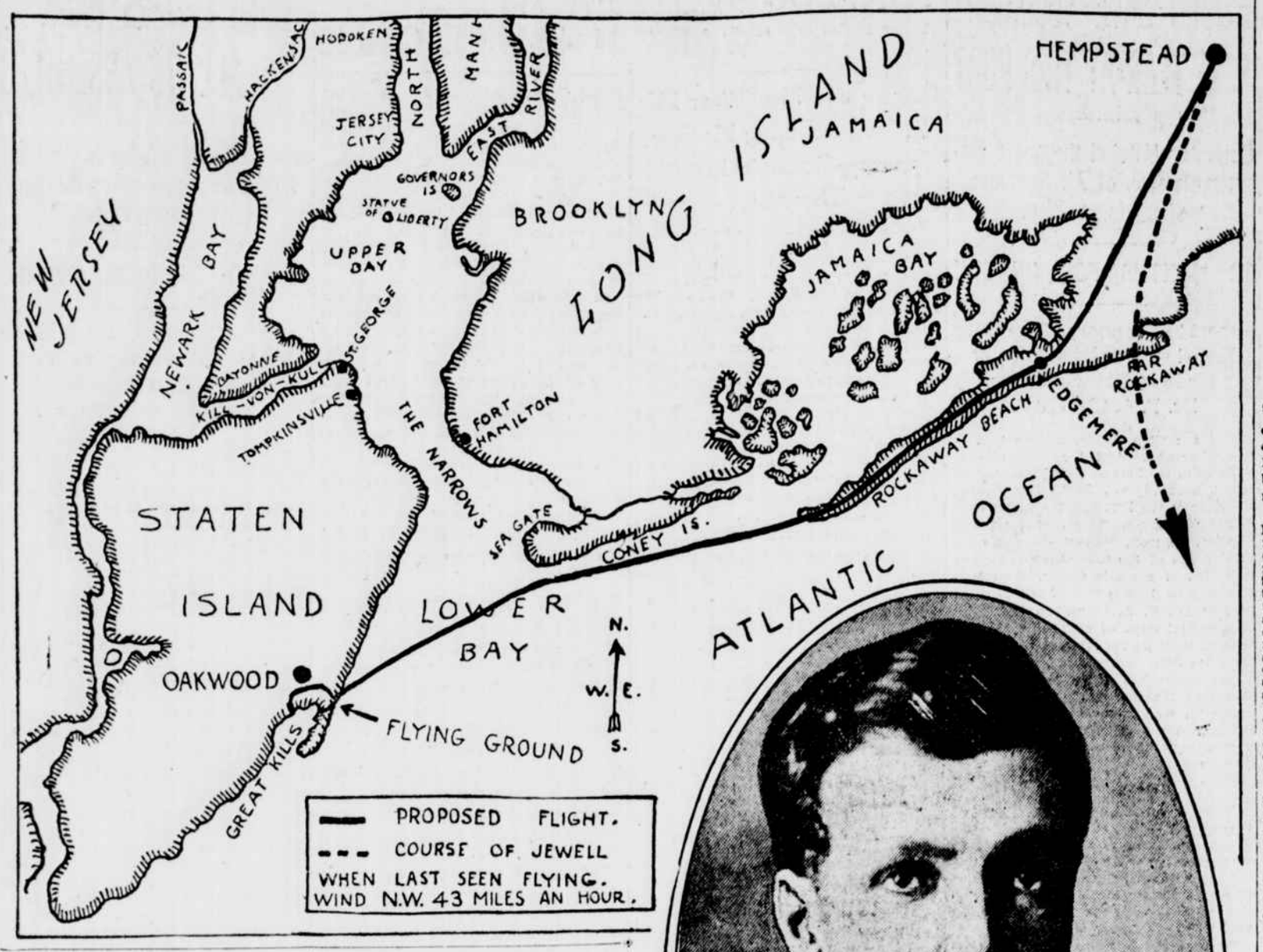
Although the six motorboats and automobiles sent out by A. E. Wupperman, of the Moisant company, came back with nothing but wellnigh hopeless results last night, J. R. Hall, manager of the flying meet, for which Jewell started, said last night he had not given up hope.

"His course took him near Jamaica Bay," said Mr. Hall last night. "He may have been swept in there and have fallen into the swamps or on to any one of the small, half submerged islands in the bay. In this event he would not be readily discernible from the level of the ground or of the water. He might lie there unconscious all this time, hidden by high grass or reeds.

"The only way to make the search of the swamplands complete is to scour them from the air. To-morrow morning 'Tony' Janus, of St. Louis, who won fifth place in the race around Manhattan Island, will start for Jamaica Bay, and I am going with him. He has a machine that will carry three persons. We will make a thorough search from the air of all swamps that Jewell must have passed near. We may find him hurt and unable to move—we may find only his body—but we do not want to give up this search until everything has been done."

The possibility that Jewell had been able to reach the Jersey shore before he lost control of his machine led to the search being carried in that direction, but with no results. A report came that a machine had been crippled in the Hackensack meadows, but when this was investigated it was found to belong to a Bayonne amateur.

ALBERT J. JEWELL, MISSING AVIATOR, AND MAP SHOWING ROUTE ON WHICH HE WAS LOST.



U. S. WILL IGNORE MEXICAN ELECTION

Continued from first page.

ment has reached the end of its resources. Where it is now getting money for the payment of troops is inexplicable. But this same condition existed six months ago, and since then Huerta has held his own, militarily. In fact, until the recent fall of Torreon he was ahead of the game with the Constitutionalists. It is felt, however, that Huerta may have weakened himself in certain quarters, while the Constitutionalists will be vastly encouraged, possibly to the extent of driving Huerta out by force of arms.

The Constitutionalists might be assisted by the United States to the extent of having this government recognize their belligerency. This would enable them to import arms and ammunition with freedom. It would also, probably, make it possible for them to obtain, particularly if they showed signs of success, ample funds for campaign purposes.

Constitutionalists in Washington are elated with the turn of events and declare that success for their forces is now certain. Friends of Huerta declare that Huerta is acting in a constitutional manner and that what he has done was forced upon him by circumstances.

Secretary Bryan made public this afternoon the text of the decree by which Huerta assumed the powers of a dictator. Mr. Bryan had no comment to make on the decree, nor would he discuss the general situation further than to say that the United States would keep the powers informed of what this government was doing.

Huerta's Decree.

General Huerta's pronuciamento follows, under date of October 10:

"Until the people elect new magistrates who shall take over the legislative powers, and in the belief that the government should count on all the necessary faculties to face the situation and to reestablish the constitutional order of things in the shortest possible time, as is its purpose, since October 26 has been set as a date for election of deputies and Senators, Victoriano Huerta, constitutional president ad interim, has seen fit to decree these articles:

"Article 1. The judicial power of the federation shall continue in its functions within the limits set by the constitution of the republic and the decree of the executive of October 10 of this month, and such others as shall be issued by him.

"Article 2. The executive power of the union conserves the powers conferred upon him by the constitution, and assumes furthermore the departments of gobernacion, finance and war only for the time absolutely necessary for the reestablishment of legislative power.

"In the mean time the executive takes upon himself the powers granted by the constitution in the aforementioned departments, and will make use of them by issuing decrees which shall be observed generally and which he may deem expedient for the public welfare.

"Article 3. The executive of the union will render an account to the legislative power of the use which he makes of the powers which he assumed by means of this decree as soon as this is in function."

MEXICO PREPARING TO ANSWER WILSON

Cabinet Ministers Discuss Reply While Disquieting Rumors Circulate in Capital.

Mexico City, Oct. 14.—The status quo will not be changed by the latest exchange of notes between Mexico and the United States, according to information given out at the Mexican Foreign Office late to-night.

The diplomatic communications between Washington and Mexico growing out of the dissolution of the Mexican Congress and the imprisonment of the Deputies have been the subject of intense interest to-day. Neither the American Chargé d'Affaires nor the Mexican Foreign Office has made known the tenor of the exchange.

Nelson O'Shaughnessy, the chargé, appearing deeply concerned, made visits to the Foreign Office and the President's office, and for several hours this afternoon, after the meeting of the Cabinet, the Foreign Minister, Señor Moheno, locked himself in his offices and refused to receive callers. His secretary said that he was busy preparing the reply which Mexico was to make to the Washington memorandum.

Señor Moheno said later that he had finished his task, but that before making public the character of the reply it must be submitted for further scrutiny by the ministers, who were summoned to gather at the President's office in the evening.

The most startling rumor which became current was that the American Chargé was to be given his passports and that the Mexican government regarded the attitude of the United States as such that it could no longer continue to receive a Washington representative. It was also said that President Wilson's personal representative, John Lind, now at Vera Cruz, would be asked to leave Mexico.

Señor Moheno denied that there was any truth in these rumors.

"My government has no such intention," said the minister. "We have no information as to what the government of the United States intends, but so far as my government is concerned, Mr. O'Shaughnessy may remain and will receive every consideration."

While the atachés of the embassy are dumb respecting the contents of the Washington memorandum, it is learned from other sources that the American government has notified President Huerta that owing to the high handed manner in which the Mexican Congress was suppressed no free elections were possible and that no President elected under the conditions existing would be acceptable to Washington.

Regarding the possible withdrawal of recognition by Great Britain and the dispatch to Mexico of warships by Germany, the Foreign Minister said to-night that he had no official information. He regarded it as extremely improbable that Great Britain would change her policy, citing the recent dispatch of a new ambassador, Sir Lionel Carden, to the Mexican capital, which step he considered would not have been taken had the British Foreign Office such intentions. The warships, if they came, he thought, would make merely visits of courtesy.

TO PROVE RITUAL MURDER

Prosecution in Beiliss Case Has Hard Task.

Kieff, Oct. 14.—At the continuation of the trial of Mendel Beiliss to-day for the alleged murder of the boy, Andrew Yushinsky, the prosecution concentrated its efforts on an endeavor to prove that the Jews practised "ritual murder" on Christians by the testimony of the Archimandrite Autonomius. He is of Jewish descent, but was baptized when ten years old. He lives in the Kieff monastery, but was formerly attached to the monastery at Saratoff.

The Archimandrite carried two documents relating to ritual murders in the eighteenth century and asked that they be incorporated in the records of the trial. The court refused to grant this request.

Replying to questions, Autonomius said he knew of cases where Christian children had been tortured by Jews. He added: "From my childhood my masters and teachers warned me not to have relations with Jews, because they tortured Christian children."

He cited several alleged cases. "Once," he said, "a boy came to me and received baptism. Some time afterward Jews bribed a monk, who helped them to remove the boy. Two years later the boy was found killed."

Another case was that of a Jewish boy who had also been baptized by the Archimandrite and had lived with him at the monastery. "The Jews waylaid him and beat him," said Autonomius, "then took him away and locked him up for the whole winter. The boy finally escaped and returned to the monastery."

In response to the question: "What is the attitude of Jews in general toward us?" he replied:

"If the bowels of the earth opened up one would discover many bones of persons tortured to death by Jews."

Albany, Oct. 14.—The Assembly adopted a resolution to-day requesting the federal Department of State "through its diplomatic and high offices" to endeavor to secured a fair and impartial trial for Mendel Beiliss, who is being tried in Kieff, Russia, on a charge of committing a "ritual murder." The resolution, which was presented by the Democratic leader, Mr. Levy, and unanimously adopted by the half dozen members present, also asks the State Department to inform the Russian authorities that "persistency in these proceedings, in so far as they are based on the 'blood ritual,' will be offensive to the American people and to the government of the United States."

SULZER VOTE MAY BE DELAYED FOR ELECTION

Continued from first page.

could be obtained for that purpose, it was pointed out to-night that the question would be likely to be affected by the fact that many of the Assemblymen who voted for the present impeachment articles would be candidates at the coming election. There was, therefore, a probability that politics might be injected into the Assembly's action to an acute degree. The door would then be opened, it was asserted, to unforeseeable eventualities that might affect the present status of the case.

Outside of the courtroom much speculation was indulged in as to the significance of the proceedings. Some held that the question at issue was solely one of legal technicalities, and, however decided, the fact remained that the Peck and Morgenthau testimony, undisputed by contradictory evidence, was in the record.

Others observed that there was a possibility that Articles I, II and VI, the "money articles," on which the case of the impeachment managers is chiefly based, might be thrown out on the ground that they related to offences committed before the Governor took office.

In this connection there were rumors current that several of the nine judges of the Court of Appeals sitting in the case felt that the constitutional objections against the articles were well taken.

Case May Fail Completely.

Should these objections be upheld, and there being no article, as the case now stands, under which the Peck-Morgenthau testimony should be considered, there was a possibility that the case might fail completely.

Although the testimony of Allan A. Ryan, that the Governor sought political influence to stop the trial, was placed before the court for its consideration when the question was first raised yesterday by Judge Miller, no action was suggested in regard to it to-day.

It was frankly conceded by counsel for the impeachment managers that it could only be held as corroborative of the general charge that the Governor is unfit to hold office unless included in still another article of impeachment—"tampering with the court."

"If there is a determination to convict this man," said Mr. Herrick, talking against the motion to amend Article 4 to include a charge of subornation of perjury, "let it be done without any violation of the law.

Court Halts Herrick.

"It is related that one of the judges of the Court of Appeals, not a member of the present court, once said, 'When Judge So-and-So and myself make up our minds to beat a man we can always find a way to do it.' If it is the determination of the majority"——

Judge Cullen's gavel fell sharply. He sat up in his chair suddenly, and with a wave of his hand stopped the lawyer in the midst of a sentence.

"I do not think that this statement is material to the case," he said slowly.

Mr. Herrick bowed his snow-white head, and with a word or two more sat down, closing his argument.

Unjust to Amend, He Says.

"Suppose you find this respondent not guilty upon all the articles of impeachment presented here," he had said a moment before, "and that you do find him guilty of attempted subornation of perjury; then you will have found him guilty of something that the Assembly never presented to you, upon evidence that we have a right to assume was never presented to them; you will then have found him guilty upon an article prepared by yourselves; you will have impeached him and tried him upon the impeachment articles made by yourselves and not by the Assembly."

The question about the Peck evidence, which will be decided to-morrow, will not be likely to furnish a fair test vote on the result of the trial itself, because of the legal points involved which will split up the lawyers in the court possibly without much regard to their ultimate vote on the straight question of guilt.

Legislature Keeps Meeting.

Both houses of the Legislature met and adjourned until to-morrow morning at 11 o'clock. The leaders expect to continue these perfunctory sessions from day to day until the end of the impeachment trial, unless the Assembly is called upon to furnish an added article.

The preliminary arguments on the question as to the Ryan, Peck and Morgenthau evidence raised yesterday by Judge Miller were opened by Mr. Stanchfield, for the managers, after Senator Elon R. Brown had put his formal objection to and denial of an account in an Albany paper of the secret proceedings yesterday. His objection elicited from President Cullen the statement that the newspapers were privileged to print full and accurate accounts of the proceedings, "if the reporters could find out what they were," but that any inaccurate account would put the writer of it in danger of contempt of court.

Stanchfield began his argument with the proposition that the impeachment trial is not a criminal proceeding. In proof, he cited the constitutional provision that a criminal process under indictment might follow the impeachment. Basing his contention on this premise he cited Section 723 of the Code of Civil Procedure, which provides that the court may amend a pleading by inserting an allegation material to the case or where the amendment does not change substantially the claim or defence by conforming the pleading to the facts proved. He emphasized the point that the Peck and Morgenthau evidence was not objected to nor answered by the defence in any way. As his argument proceeded Mr. Stanchfield gradually dropped the Ryan testimony from consideration, as that evidence could not be brought in under the heading of influencing witnesses, which is the basis of Article 4.

Stanchfield's View Different.

This article, Stanchfield said, was based on Section 814 of the Penal Law, although it might be more properly have been based on both that and Section 813, as both sections refer to the suppression of evidence, although in different terms and phraseology.

He quoted the language of Article 4 of the impeachment, which charges Sulzer with the attempted suppression of evidence in the cases of "Louis A. Sarecky, Frederick L. Colwell and Melville B. Fuller, and all other persons," and argued that the court should certainly be entitled to consider that the omnibus phrase, "all other persons," included "Duncan W. Peck and Henry Morgenthau," and asked that Article 4 be considered as if it did include those names.

"In asking you to grant that relief I reiterate again, while its phrasing is fresh in your memory, that it does not change the basic character of the offence," he argued. "The offence charged is practically the same, an effort to tamper with the administration of justice, an effort in some way to control and color and distort the testimony of a witness; a confession upon its face of the weakness of his cause, and an admission upon its face that he is obligated to support the defence, if any he may have, by dishonest means and evidence. We require, so far as the board of managers are concerned, no other testimony than that which is now upon the record to support at least to our contentment and satisfaction the charge embodied in the amended Article 4."

Stanchfield ended his argument with a statement that he had made several times in the course of it—that if Sulzer desired to take the stand because of the Ryan, Peck or Morgenthau testimony, or even if he desired to put other witnesses on, there would be no objection from the managers to such a reopening of the case of the defence.

Invites Sulzer to Testify.

"Once more we repeat," he said, "and I speak the sentiment of the managers of the Assembly of New York and, I trust, of high minded, fair minded citizens everywhere, that if, with that change in view, the respondent feels now that he wishes in person to make answer from the witness stand, or if he feels now, in the light of that change, that there is other testimony he desires to produce aside from himself—for he has the right to go on or keep off the stand as he may please—if, I repeat, he desires to produce other testimony to meet the accusations, the door is open, and there will be no objection raised by the managers of this trial."

Mr. Herrick, who opened for the defence at the beginning of the afternoon session, based his argument chiefly on the premise that to include the Peck, Morgenthau or Ryan testimony as bearing on Article 4 would be to add to the charges against Sulzer, and that such addition to the charges could not properly be contemplated by the court or by any one except the Assembly.

"In premising what I have to say, let me say that this court is the highest in the state, as has been stated before, and it is under corresponding obligations to observe the law and establish no bad precedents; not to convict a man upon a charge not brought against him; not to permit a man to be charged with one offence and convicted of another."

He reviewed the Peck testimony carefully, reading frankly the statements of that witness.

"Now, that may be wrong. Assuming it all to be true, assuming the Governor did wrong, if you please, still it doesn't bring it within gunshot of the language of Section 814 of the Penal law," he said.

Power Belongs to Assembly.

Mr. Herrick quoted from numerous impeachment cases, beginning with the Warren Hastings impeachment in England, to back up his contention that in impeachment as in criminal proceedings any doubt must be regarded as favorable to the defendant. To apply the Peck evidence, through Section 813 of the penal law to Article IV of the impeachment, he argued, would be to import into the case what would virtually be a new article of impeachment against Sulzer.

"The only authority for finding such an article rests in the Assembly," he said. "You are here only to try the articles they find and no others."

He then put to the court the case that they might find Sulzer not guilty upon seven of the eight articles presented by the Assembly, but find him guilty upon Article IV under the proposed new interpretation.

"You would then have found him guilty upon an article practically presented by yourselves upon an article not presented by the Assembly," he said.

Louis Marshall, also for the defence, followed Herrick. He characterized the effort of the managers to bring the Peck, Morgenthau and Ryan evidence to bear upon Article IV as a confession of bankruptcy so far as other evidence upon that charge was concerned.

"They have virtually taken a poodle dog and cut off his head and tail, his forelegs and his hind legs, and are seeking to substitute other tissue and to make of it a wolf," he said.

He argued that the proposal to include the acts testified to by Ryan, Peck and Morgenthau related in effect solely to the power of the court to amend the articles of impeachment.

Sets "Due Process" at Naught.

"We insist that no such power of amendment exists," he said, "and that an attempt to exercise it would be a violation not only of Section 13 of Article VI of the New York Constitution and of Section 1, Article VI, of that constitution, but of the Fourteenth Amendment to the Constitution of the United States as well.

"The right to impeach, to present and formulate articles of impeachment is vested in the Assembly alone. This court can only hear and determine charges presented by the Assembly. It cannot usurp any of the functions of that body. To do so would deprive the respondent of his liberty and property without due process of law. It would forfeit his office and its emoluments. It would forever take from him the right and privilege of holding office, a right vested in all male citizens of the state not convicted of crime.

"For these reasons we at this time solemnly object and protest akainst any amendments of the articles as violative of the New York State and of the federal constitution."

Marshall said that any one charged with malefaction must first be informed of the precise nature of the charge which he has to meet and be accorded opportunity for investigation and for preparation. Legal decisions would become "springes to catch woodcock" if, when one was cited to court to meet a charge of larceny, he could be compelled to go to judgment on a charge, interpolated at the twelfth hour, of subornation of perjury, conspiracy, embracery or whatever ground man may devise.

Still To Be Considered.

"It would be the first time in a case of impeachment, than which no judicial inquiry can be more solemn and none should be more hedged about with protective safeguards, that so revolutionary a method of procedure has been adopted. It would make what is popularly known as 'railroading' an innocent pursuit.

"There would be no precedent for it in criminal proceedings in a government which protects even the meanest criminal and affords him the guarantee of due process of law. Not even an habitual criminal should be deprived of the right to be tried on a regularly formulated charge, and none other. Not even in a court action, where less stringent rules of procedure apply, would such a contention as that which is now made be tolerated."

He pointed out that the charges of Articles I, II and VI were still to be considered by the court with regard to whether or not they constituted impeachable offences, and, arguing that the Ryan, Peck and Morgenthau evidence was admitted solely because of its corroboratory character as to those charges, declared that it could not be allowed in as substantiative evidence, when the original charges to which it related might be excluded by the court's later vote.

The court again went into executive session to discuss its prospective action, although on this occasion, for the first time, there were a few sharp "Noes" when the secret session motion was put.

Shortly after 5 o'clock it was announced that the court had adjourned and would resume its executive session to-morrow morning.

APPEAL GARRISON CASE

Attorneys Renew Effort to Release Him from Jail.

Albany, Oct. 14.—Attorneys for James C. Garrison, friend of Governor Sulzer, filed with Attorney General Carmody today notice of appeal from the decision of Justice Cochrane of the Supreme Court, refusing to release Garrison from jail on a writ of habeas corpus. The appeal will be argued before the Appellate Division, third department, early next month.

Garrison has been in the Albany county penitentiary since September 18 for contempt of the Assembly in refusing to answer questions concerning statements attributed to him to the effect that certain Assemblymen were bribed to vote for the impeachment of the Governor.

NEW AVIATION RECORD

German Airman Makes 1,376 Miles in One Day.

Johannisthal, Oct. 15.—Victor Stoeffler, in a 100-horsepower biplane, has beaten the world's record for a flight covering the period within twenty-four consecutive hours. He started from the Johannisthal aviation field shortly after midnight last night in competition for the chief prize of the national aviation subscription to be awarded for the longest European flight of the season. He landed at Mulhausen at 12:42 o'clock this morning, having covered 1,376 miles. His actual flying time was 22 hours 47 minutes.

Stoeffler flew from Johannisthal to Posen and returned here. Then he flew to Mulhausen, and continued to fly back and forth between Mulhausen and Darmstadt, making this trip four times.

Robert Thelen, carrying a passenger, touched at Koenigsberg, Stettin, and Danzig, and then returned to Koenigsberg. He covered 867 miles.

BURNING STEAMER SIGHTED

The Templemore Drifted 430 Miles in Thirteen Days.

Boston, Oct. 14.—The steamship Templemore, abandoned on fire off the Virginia Capes on September 30, was picked up by the revenue cutter Androscoggin last night, one hundred miles east-southeast of Sankaty Head Light, Nantucket, according to a radiogram received here today. The Templemore, which was still burning, drifted 430 miles in thirteen days.

Captain Billard, of the Androscoggin, reported that owing to the sudden appearance of a northeast storm he was unable to plan either the destruction or the salvage of the Templemore.

The captain of the steamer Oscar II, which arrived yesterday from Christiansand, reported having passed the steamship Templemore. Both the masts and the smokestack of the ship were gone, and smoke and flames were pouring from the hull when he sighted it in latitude 41:06, longitude 67:52.

SAYS ROADS FACE CRISIS

Harries Tells Electric R. R. Men Fares Must Be Increased.

Atlantic City, Oct. 14.—Fares will have to be increased if street railway companies are to meet the present day demands of the public and survive, was the declaration made to-day by George H. Harries, of Louisville, president of the American Electric Railway Association, in opening the thirty-second annual convention of that organization and its allied bodies.

"We operate under franchises," he said, "by which we are bridled, bitted and saddled, and sometimes hobbled, but while we have no present power to demand at least living wages in return for our investment and labor, there is nothing to prevent our talking 'right out in meeting' of the increased rate of fare which must surely come to many company treasuries if anything like justice is to prevail and we are to survive."

C. Nesbit Duffy, of Milwaukee, one of the arbitrators in the recent dispute between the city of Cleveland and the Cleveland Railway Company, in an address asserted that low fares in the Ohio city were being maintained only at a sacrifice of service.